

Message Text

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PAGE 01 LISBON 04731 041334Z

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INFO AMEMBASSY BONN

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UNCLAS LISBON 4731

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SUBJ: LAW REGULATING ASSOCIATIONS PASSED

REF: LISBON 4717

1. IN CONJUNCTION WITH NEW LAW ON POLITICAL PARTIES
(REFTEL) REGULATIONS GOVERNING FREEDOM OF ASSOCIATION
PASSED INTO LAW OCTOBER 30 BY GOP. LAW REVOKES PREVIOUS
LEGISLATION SEVERELY LIMITING RIGHT OF FREEDOM OF ASSEMBLY
AND CONTROLLING CIVIC ASSOCIATIONS, AND ESTABLISHES IN
PREAMBLE THAT "RIGHT OF FREE ASSOCIATION CONSTITUTES A
BASIC GUARANTEE OF PERSONAL REALIZATION IN THE LIFE OF
SOCIETY." IN A GOVERNMENT BASED ON RULE OF LAW AND
RESPECT FOR THE PERSON, LIMITS ON FREEDOM TO FORM
ASSOCIATIONS CANNOT BE IMPOSED EXCEPT WHEN STRICTLY
NECESSARY TO SAFEGUARD HIGHER GENERAL INTERESTS OF THE
POLITICAL COMMUNITY.

2. LAW SPECIFIES THAT CITIZENS OVER 18 ENJOYING THEIR
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PAGE 02 LISBON 04731 041334Z

CIVIL RIGHTS MAY FREELY ASSOCIATE FOR PURPOSES NOT

CONTRARY TO LAW OR PUBLIC MORALITY WITHOUT PREVIOUS AUTHORIZATION FROM THE GOVERNMENT. NO ONE MAY BE OBLIGATED TO JOIN ANY ASSOCIATION AGAINST HIS WILL UNDER PENALTY OF LAW. PROHIBITED ARE THOSE ASSOCIATIONS WHOSE GOAL IS OVERTHROW OF DEMOCRATIC INSTITUTIONS OR WHICH ADVOCATE HATRED AND VIOLENCE.

3. ASSOCIATIONS MAY BE BANNED, AMONG OTHER REASONS, WHEN THEIR TRUE PURPOSE IS JUDGED TO BE ILLEGAL, CONTRARY TO MORALITY, OR WHEN IT DOES NOT LIVE UP TO ITS GOALS AS DEFINED IN ITS STATUTES OR CONSTITUTION. ANOTHER CAUSE FOR DISSOLUTION IS WHEN THE ASSOCIATION PURSUES ITS GOALS SYSTEMATICALLY BY MEANS CONTRARY TO PUBLIC MORALS OR IN A WAY WHICH DISTURBS ARMED FORCES' DISCIPLINE.

4. ASSOCIATIONS ARE REQUIRED TO PUBLISH THEIR FINANCIAL ACCOUNTS YEARLY.

5. ASSOCIATIONS OF A POLITICAL NATURE MAY JOIN POLITICAL PARTIES. IF AN ASSOCIATION WISHES TO RUN CANDIDATES IN LOCAL ELECTIONS OR IN ELECTIONS FOR THE PRESIDENT OR THE NATIONAL ASSEMBLY IT MUST BECOME A PARTY AND HAVE A PROGRAM FOR GOVERNMENT, IN WHICH CASE IT IS SUBJECT TO THE LAW ON POLITICAL PARTIES.

6. PORTUGUESE ASSOCIATIONS MAY LEGALLY AFFILIATE WITH INTERNATIONAL ASSOCIATIONS AND ORGANIZATIONS. THE CREATION AND PROMOTION OF INTERNATIONAL ASSOCIATIONS IN PORTUGAL REQUIRES GOVERNMENTAL AUTHORIZATION. ASSOCIATIONS LEGALLY CONSTITUTED ABROAD WILL BE RECOGNIZED IN PORTUGAL AS LONG AS THEY SATISFY THE SAME REQUIREMENTS DEMANDED OF THEIR NATIONAL COUNTERPARTS.

7. COMMENT: THIS LAW IS BROAD AND LIBERAL ENOUGH TO SATISFY MOST PEOPLE, EXCEPT PERHAPS THOSE ON THE FAR LEFT AND RIGHT WHO ARE LIABLE TO BE THE TARGETS OF THAT PORTION OF THE LAW OUTLAWING ASSOCIATIONS SEEKING TO OVERTHROW DEMOCRATIC INSTITUTIONS AND WHICH ADVOCATE VIOLENCE. THE MAIN TARGET WHICH COMES TO MIND IS THE MAOIST MRPP, WHICH HAS BEEN UNDER FIRE FROM THE MILITARY

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PAGE 03 LISBON 04731 041334Z

FOR ITS PROSELYTIZING IN THE BARRACKS, AND ITS PAST CALLS FOR SOLDIERS TO DESERT.

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